IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.824 OF 2007

Ramesh Phoumal Bhagat and Anr. ..Applicants

Vs.

State of Maharashtra ..Respondents

...

Mr.H.S.Venegavkar counsel for applicants
Mr.K.V.Saste A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No. 87 of 2007 of Mahatma Phule Police Station, Kalyan. The said case is under Sections 420, 465, 468, 471 and 120-B of IPC. In the present case, the complaint has been lodged by Chief Manager, Canara Bank, Kalyan stating that applicant no.2 obtained loan. Applicant no.2 along with partners of Aplomb Tradelinks obtained loan from the bank by submitting false, bogus and manipulated documents. Applicant no.1 is

guarantor. Applicant no.1 furnished false affidavit wherein it was stated that flat on which loan was taken, was not pledged with any other bank. The said affidavit was found to be false as the very same flat was pledged with other banks also. Besides this, loan was obtained on the basis of N.O.C. being given by the society. The society has stated that no such N.O.C. was given. the loan was also obtained on the basis of some income tax chalans. The said income tax chalan was found to be forged. The learned A.P.P. has pointed that the applicants have been indulging in similar offences and three other offences of similar nature have been registered with E.O.W., Mumbai Crime Branch, wherein the same modus operandi has been used and loans have been taken on the very same flat. In view of these facts, I do not think that this is a fit case to grant anticipatory bail.

3. Mr.Venegavkar has submitted that applicant no.1 is suffering from Parkinsons disease and applicant no.2 is suffering from cancer. Hence, applicants may be granted anticipatory bail on this ground. However, in my view, this cannot be a ground to grant anticipatory bail. Needless to say that

police authorities shall provide necessary medical facilities to the applicants.

4. Application anticipatory bail is rejected. However, at the request of the learned counsel for the applicants, applicants are granted time upto 26.3.2007 to surrender before the Investigating Officer.

5. Application is disposed of.

[V.K.Tahilramani, J.]